

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MICHAEL SHANE STEPHENS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07cv96LGJMR

HARRISON COUNTY, MISSISSIPPI;
SHERIFF GEORGE H. PAYNE, JR.;
AND UNKNOWN OFFICERS IN THEIR
INDIVIDUAL AND OFFICIAL CAPACITY

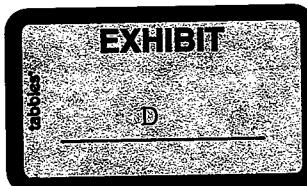
DEFENDANTS

**AFFIDAVIT IN SUPPORT OF
MOTION TO COMPEL OF JON S. TINER, ESQ.**

Affidavit in support of Motion to Compel against Plaintiff, Michael Shane Stephens:

Jon S. Tiner, who being by me first duly sworn, upon information and belief, states the following:

1. That I am an attorney for the Defendant, George H. Payne, Jr., in his official and individual capacity.
2. The Plaintiff, Michael Shane Stephens, filed his Complaint against the Defendant, George H. Payne, Jr., on February 5, 2007.
3. On October 15, 2007, Defendants propounded its First Set of Interrogatories to the Plaintiff with Answers being due on or before November 18, 2007. On October 26, 2007, Defendant propounded its Requests for Production of Documents to the Plaintiff with Responses being due on or before November 28, 2007.
4. The Affiant would state that discovery responses were never received from Plaintiff.



5. On December 12, 2007, defense counsel made a good faith effort with Plaintiff to resolve this discovery issue by sending correspondence to Plaintiff with an enclosed Good Faith Certificate.

6. The December 12, 2007, correspondence to Plaintiff gave him with five (5) calendar days, or until December 17, 2007, to either provide Defendants with Plaintiff's discovery responses or to sign the enclosed Certificate and return it to counsel for the Defendants.

7. On January 4, 2008, defense counsel sent additional correspondence requesting the discovery responses on or before January 11, 2008.

8. To date, Defendant has received neither discovery responses, nor a signed Good Faith Certificate from the Plaintiff.

WITNESS my signature on this the 17th day of January, 2008.



JON S. TINER

SWORN TO AND SUBSCRIBED BEFORE ME, this the 17 day of January, 2008.



NOTARY PUBLIC

My Commission Expires:

